GUIDE TO:
Plagiarism and copyrights

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I. Introduction

At the Ana G. Méndez University System (“AGMUS”) we are committed in observing and promoting compliance with copyright laws. Copyrights have a direct impact on diverse and multiple areas of academic life.

The purpose of this guide is to provide the AGMUS community with a basic knowledge about plagiarism.

II. What is plagiarism?

The Oxford Dictionary defines plagiarism as the practice of taking someone else’s work or ideas and passing them off as one’s own.

Black’s Law Dictionary defines plagiarism as the act of appropriating the literary composition of another, or parts or passages of his writings, or the ideas or language of the same, and passing them off as the product of one’s own mind.

III. What is copyright?

In Puerto Rico, copyrights are comprised of two separate and distinct rights. These are patrimony rights, more commonly known as copyrights, and moral rights. The copyrights consist of the right to commercially exploit a work. Whereas moral rights protect the relationship between an artist and his work.

IV. What does copyright consist of?

Pursuant to the Copyright Act of 1976, 17 U.S.C. §101-et seq., as amended, a copyright is the exclusive right granted by the federal government to creators of original works of authorship for a limited period of time.

An original work of authorship is defined as that which is fixed on a tangible medium of expression, now known or developed in the future, from which the work may be perceived, reproduced and/or otherwise communicated. The protection granted under federal law commences at the moment the work is fixed on a tangible medium of expression.

V. What are moral rights?
Moral rights are the exclusive rights granted by the government of Puerto Rico to the author of a work, thereby protecting the link between the author and the work. This law is known as the Moral Rights of Authors of Puerto Rico, Public Law number 55 of 2012.

Moral rights bestow upon the author of a work the rights of: (i) attribution; (ii) retraction; (iii) integrity; and (iv) access. Moral rights are granted by state law for a limited period of time.

VI. What does plagiarism consist of?

Plagiarism consists of presenting as one’s own someone else’s work. In other words, it is the passing off as an original creation that which has been created by someone else.

VII. Are there different forms of plagiarism?

Yes. Plagiarism may manifest itself through different forms. Some of these are: (i) in academia; (ii) in works of visual arts, such as works of art and graphic design; (iii) fashion designs; and (iv) music, among others.

VIII. What is plagiarism in academia?

Plagiarism in academia consists of academic dishonesty. This conduct may consist of, but is not limited to:

- The appropriation or unauthorized use of someone else’s work and/or property;
- Fraud in exams and/or tests; or
- Lack of honesty.

This conduct is a variable one, and may manifest itself through different forms. It may range from (i) not citing adequately a source of information, (ii) collaborate on a work and pass it off as one’s own, or (iii) copying information without giving credit to the original author and passing the work an original work.

IX. What is plagiarism in Works of visual arts, fashion design and music?

This conduct may consist of, but not limited to:

- The appropriation or unauthorized use of someone else’s work and/or property; or
- Passing off a work as an original piece.

This conduct is a variable one. It may manifest itself in different forms, some of which are, (i) copying a work without giving credit to the original artist and passing the work an original piece.
work.; or (ii) taking elements from someone else’s work and passing off the work as one’s own, irrespective of the fact that said elements might be distinctive or essential to the artists style and/or manner.

X. May I use works found on the internet?

It should be presumed that all the information we obtain from internet has an author or creator. Consequently, all the information found on the internet is susceptible to copyright.

Just as material obtained from traditional and/or other sources, material obtained from the internet may be utilized as long as it is cited accordingly and reference is made to the source and author of the material.

XI. How do I avoid incurring in plagiarism?

In the world of academia, some forms of avoiding plagiarism are:

- Citing the source of the information and/or the source being referred to;
- Even when paraphrasing, always make reference to the source of the information;
  or
- Make reference to the source which served as inspiration and/or base of the new work being realized.

Librarians and faculty members may assist students and show them the correct form of citing and/or referring to someone else’s work.

XII. Are there administrative consequences for incurring in plagiarism?

Yes. Plagiarism is an infringement of an author’s copyrights, under both federal and state law, and even international laws.

The Student Regulation Handbook sets forth in its Article IV, Norms of Institutional Order, Section 11, that lack of honesty, including fraud and plagiarism; with relation to academic work constitute faults and/or noncompliance to the essential norms of good order and institutional coexistence. It further states that incurring in such actions and/or behavior shall carry disciplinary sanctions which may lead to the expulsion from the institution.

Additionally, Article V, Disciplinary Proceedings, Section 3, states that it shall be considered as a grave fault the fraud in academic tests and/or lack of honesty. Pursuant to the Student
Regulation Handbook, the consequences for this type of behavior may range from a written reprimand to expulsion from the institution.

XIII. Does plagiarism have legal consequences?

Yes. Pursuant to Puerto Rico state law, as well as federal law, it is illegal for a person to infringe another’s rights as granted pursuant to federal copyright law and local moral rights. Infringing someone’s copyrights may lead to civil suits, economic, administrative and criminal sanctions.

XIV. Do other countries have copyright laws?

Yes. A majority of countries have laws which in one form or another protect the copyrights of works created by their citizens and/or nationals.

Each country has its own laws and directives by which their copyrights are governed. Under the Bern Convention of 1886, it is required that all signatory countries recognize the copyrights of foreign authors in the same manner as it would recognize the copyrights of its native authors.

XV. Examples of plagiarism and its consequences:

a. Journalism

✓ Journalist, Jayson Blair, wrote articles for the New York Times. In 2003, it was discovered that many of the articles he had submitted for publication were the plagiarized. As a consequence, he was forced to resign, and two the New York Times editors were fired.
✓ Journalist, Janer Cooke, wrote articles for the Washington Post. In the ‘80’s, she wrote a story which later earned her a Pulitzer Prize. It was later discovered that most of the story was based on false and non-factual information. As a consequence she was forced to return the Pulitzer Prize and permanently damaged her journalistic career.

b. Academia

✓ A student from the University of Ohio participated in a Semester at Sea program. During the course of the program it was discovered that she had incurred in plagiarism. As a direct consequence she was expelled from the Semester at Sea program and was forced to disembark the ship at the next port.
During September 2012, University of Puerto Rico professor (“UPR”), Iván Ríos Hernández, resigned from his positions at the UPR after being accused of plagiarizing various articles he submitted for publication in local newspapers.

c. Visual arts

In 2007, a court in France found fashion designer John Galliano guilty of basing his marketing campaign on and plagiarizing photographer William Klein. As a consequence, the court ordered Galliano to pay the sum of 200,000€ (approximately $300,000).

d. Music

In 1991, Michael Bolton released the song Love is a Wonderful Thing. The same song had been previously released by its creators, the Isley Brothers, in 1966. Bolton denied having copied the Isley Brothers song. The court determined that Bolton did in fact incur in plagiarism, and as a consequence ordered him to pay $5.4 million dollars to the Isley Brothers.

For additional information please contact the Director of Copyrights patramirez@suagm.edu, propiedadintelectual@suagm.edu